

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JONATHAN NNEBE, *et al.*,

Plaintiffs,

-v-

MATTHEW DAUS, *et al.*,

Defendants.

No. 06-cv-4991 (RJS)

ORDER

RICHARD J. SULLIVAN, Circuit Judge:

The Court is in receipt of Plaintiffs' August 14, 2023 letter, in which Plaintiffs' counsel requests a two-week extension to attempt to reach Plaintiffs Kevin Omalley, Junior Heredia Andrade, Nur I. Miah, and Willy J. Rodriguez. (Doc. No. 599 at 1–2.) That request is GRANTED. Accordingly, IT IS HEREBY ORDERED THAT Plaintiffs' counsel shall provide an update no later than August 28, 2023 regarding Kevin Omalley, Junior Heredia Andrade, Nur I. Miah, and Willy J. Rodriguez's availability for trial. Should any of those individual Plaintiffs be unable to participate, they shall file affidavits with the Court explaining in detail the reasons for their unavailability.

Plaintiffs have also informed the Court that Chingis Dashitsyrenov, Kwasi Manu, and Ismoil Umarov "will not appear for trial." (Doc. No. 599 at 1.) Because these individuals have not filed affidavits explaining their unavailability, as previously ordered (Doc. No. 592 at 2), IT IS FURTHER ORDERED THAT Chingis Dashitsyrenov, Kwasi Manu, and Ismoil Umarov have waived their right to a damages trial and consent to receive only nominal damages.

Finally, given that Plaintiffs' counsel have not informed the Court that Plaintiffs wish to waive their demand for a jury trial and instead opt for a bench trial, as previously ordered (Doc.

No. 592 at 2), the Court will assume that the upcoming trial will be a jury trial. Should Plaintiffs seek a bench trial, IT IS FURTHER ORDERED THAT Plaintiffs' counsel shall inform the Court immediately.

SO ORDERED.

Dated: August 16, 2023  
New York, New York



RICHARD J. SULLIVAN  
UNITED STATES CIRCUIT JUDGE  
Sitting by Designation